

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVIN REED,

Defendant.

Case No. 24-20380

Honorable Laurie J. Michelson

ORDER STRIKING DEFENDANT’S PRO SE FILING [45]

Devin Reed is charged in an indictment with one count of being a felon in possession of a firearm. (ECF No. 12.) His trial was previously continued from December 3, 2025, to February 26, 2025. (ECF Nos. 37, 42.) Reed is upset over this decision and feels it violated his speedy trial rights. So he filed a pro se motion to dismiss the indictment. (ECF No. 45.) There are several problems with this filing.

First, it is untimely. The deadline for pretrial motions has long since passed.

Second, his lawyer has already filed a motion raising the same Speedy Trial Act issues that Reed is now seeking to raise. (*See* ECF No. 43.)

And lastly, Reed is represented by counsel. This District has made clear that a “[d]efendant is not entitled to represent himself while simultaneously represented by counsel.” *United States v. Toufaily*, No. 10-20705, 2011 U.S. Dist. LEXIS 8763, at *3 (E.D. Mich. Jan. 31, 2011). “A criminal defendant has the right to appear pro se or by counsel,” but not both. *Id.* at *3–5 (“This right, however, is disjunctive; thus a party may ch[o]ose *either* to represent himself or to appear through an attorney.”). Thus,

“as part of the latitude accorded district courts managing their dockets, courts may bar pro se filings by represented parties.” *United States v. Hendrickson*, No 13-20371, 2017 U.S. Dist. LEXIS 144716, at *1–2 (E.D. Mich. Sept. 7, 2017) (citing *United States v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994) (finding no error in the court’s refusal to consider pro se motion where defendant was represented by counsel); *United States v. Tracy*, 989 F.2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide latitude in managing its docket and can require represented parties to present motions through counsel.”)).

Thus, Reed’s pro se motion (ECF No. 45) is hereby stricken. IT IS SO ORDERED.

Date: January 28, 2025

s/Laurie J. Michelson
U.S. District Judge